IN THE HIGH COURT OF JUDIATURE AT BOMBAY
CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.8109 OF 2004

Raosaheb Ramchandra More & Anr. .. Petitioners.
Vs.
Ramchandra Dada More .. Respondent.

Mr.Hardas i/b Mr.P.N.Joshi for the petitioners.

CORAM : D.B.BHOSALE, J.

DATED : 12TH OCTOBER, 2004

P.C.:

. Mr.Hardas, learned counsel for the petitioner.

2. This petition is directed against the order dated 14.6.2004 by which the learned Judge refused to extend the time for filing written statement holding that no such extension can be given in view of the provisions of Order 8 Rule 1 of Civil Procedure Code. It appears that the judgment of this court in **Shailaja A.Sawant Vs. Sayajirao Ganpatrao Patil 2004(2) Mh.L.J.419** which has been confirmed by the Division Bench of this court in **Chintaman Sukhdeo Kaklij and Others Vs. Shivaji Bhausaheb Gadhe and Others in Writ Petition No.2847 of 2004** was not brought to the notice of the

learned Judge. Keeping that in view the learned Judge shall decide application - Exhibit-18 afresh by giving an opportunity of being heard to both sides in the light of the observations made in the aforestated judgments of this court. In view of this the order impugned in the present petition renders ineffective. The petitioners to communicate this order to the trial court within two weeks from today. The petition is disposed of.

(D.B.Bhosale, J.)